

WITNESS NAME																	Howenstein, Kim																						
DEPOSITION DA																	1/10/2019																						
AFFIRMATIVE DEPOSITION DESIGNATIONS																	COUNTER DESIGNATIONS * <i>Pink</i> = Completeness Designation								REPLY DESIGNATIONS * <i>Pink</i> = Completeness Designation														
Page/Lin e Begin		Page/Lin e End		Objections	Objection Notes	Replies to Objections											Page/Lin e Begin		Page/Lin e End		Objections	Objection Notes	Replies to Objections	Page/Lin e Begin		Page/Lin e End		Objections	Objection Notes	Replies to Objections									
10	11	10	19			n/a											15	17	16	20	none				135	14	135	24											
11	17	11	22			n/a											17	9	17	17	none				241	2	244	9											
12	1	14	22			n/a											98	13	98	15	none																		
15	8	15	16			n/a											99	6	99	8	none																		
16	21	17	8			n/a											135	3	135	13	none if reply designation stays in																		
92	2	92	4			n/a											139	23	140	23	none																		
92	9	92	15			n/a											233	11	233	15	none																		
92	18	92	18			n/a											234	13	234	23	none																		
94	2	94	11	Foundation		This is an objection to form which was not made during the deposition for 94:8-11, and is thus waived relative to same. Moreover, the foundation is provided by the exhibit itself, which is the witness's personnel file and which provides the information at issue (under the portion completed by the witness). See Dep. Exh. 3 (Howenstein employment file) at p. 6. In fact, the witness agreed and confirmed that she wrote the information in question (that she re-created Cardinal's procedure for threshold events and early dialogue). See Dep. at 96:4-10. Additionally, the foundation was provided by other testimony. The topic at issue was within the witness's experience and job responsibilities. See Dep. at 12:17-20 (her "main roles and responsibilities is the customer management of threshold reviews, threshold settings"), and 97:9-13 ("[n]ew account setup is part of the anti-diversion team"). The fact that the witness did not recall does not eliminate the foundation which was established, and the witness's lack of recall is itself consequential for competence and/or credibility. Further, to the extent that any alleged foundation issue exists, the Court can properly consider, account for, and/or weigh same in this bench trial.											355	23	356	8	foundation																		
96	4	96	10			n/a																																	
97	2	98	9	Foundation		Same response as above (for 94:2-11). Also, this is an objection to form which was not made during the deposition for 97:2-98:7, and is thus waived relative to same. Moreover, the witness provided further foundation by confirming that the Cardinal's procedure at issue (for threshold events and early dialogue) was from the same time she stated in her evaluation that she re-created it. See Dep. at 97:3-15.																																	
98	11	98	12			n/a																																	
98	16	99	5	Foundation		This is an objection to form which was not made during the deposition, and is thus waived. Same substantive response as above (for 94:2-11 and 97:2-98:9).																																	
99	9	99	13			n/a																																	
125	22	125	24	Calls for a legal conclusion		The objection to legal conclusion is not supported. The questioning seeks the witness's understanding about the role she played and the role Quality and Regulatory Affairs played within Cardinal, including relative to helping protect the public. Moreover, the questioning tracks the witness's testimony as well as language from the exhibit written by the witness. See Dep. Exh. 3 at p. 48 ("QRA can be viewed as a thankless job at times simply because the nature of the business and the role we must play within Cardinal Health to protect the public."). See also , Dep. at 132:3-7.																																	
126	2	126	7	Calls for a legal conclusion		Same response as above.																																	
126	14	126	22	Calls for a legal conclusion		Same response as above.																																	
127	4	127	7	Calls for a legal conclusion		Same response as above.																																	
127	9	127	19	Calls for a legal conclusion		Same response as above.																																	
128	10	128	12	Calls for a legal conclusion		Same response as above.																																	
128	18	128	21	Calls for a legal conclusion		Same response as above.																																	
128	23	128	24	Calls for a legal conclusion		Same response as above.																																	
129	2	129	5	Calls for a legal conclusion		Same response as above.																																	
130	6	130	9			n/a																																	
130	12	130	15			n/a																																	
130	18	130	18			n/a																																	
130	21	131	15			n/a																																	
131	22	131	23			n/a																																	
132	2	132	10			n/a																																	
132	12	132	12			n/a																																	
132	14	132	24	Argumentative (132:21-23)		This is simply a factually accurate recitation of what was previously asked, which was necessitated by the witness's prior inability to answer. See Dep. at 123:14-125:21. Further, to the extent that any alleged argument exists, the Court can properly consider, account for, and/or weigh same in this bench trial. With the above said, if Cardinal withdraws the objection, Plaintiffs agree to withdraw designation of the first portion of the questioning (at 132:21-23), and will keep the following (at 132:23-24): "But these are your words that you wrote back in 2013, correct?"																																	

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133	3	133	13																		
136	1	136	4																		
139	14	139	22																		
152	16	152	21																		
153	1	153	6																		
153	10	153	22	Argumentative (153:19-22)																	
153	24	154	1																		
157	2	157	11																		
159	2	159	16																		
202	22	203	2																		
205	3	206	5	Relevance (geographic scope) (206:1-5)																	
206	7	206	13	Relevance (geographic scope)																	
206	15	206	16	Relevance (geographic scope)																	
207	13	208	4																		
208	6	209	6																		
210	8	210	18																		
210	20	212	7	Foundation, Argumentative (212:2-7)																	
212	10	212	10																		
214	12	215	3																		
219	19	220	6																		
220	8	220	10																		
230	23	231	23	Foundation																	
232	1	233	2	Foundation																	
233	4	233	8	Foundation																	
233	16	233	23	Foundation																	
234	2	234	6	Foundation																	
234	8	234	9																		
234	12	234	12																		